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PATENT
Express Mail No. EE797337676US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Brown
Serial No.: 10/734,000
Filed: December 11, 2003
For: SWEET CHERRY TREE NAMED 'BROWN'
Docket: VW1.P01

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 8, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Please amend the above referenced application as follows:

Amendment to the Specification

Please cancel the specification as originally filed in favor of the enclosed substitute specification. A marked up version of the substitute specification, showing the changes made, is also enclosed. The substitute specification is presented herewith to simplify examination, in light of the number of amendments made. The substitute specification contains no new matter.



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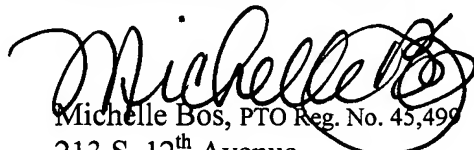
TRANSMITTAL OF AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed April 7, 2004, applicant submits herewith an Amendment and Response to Office Action in the above referenced application. No fee is required with this Response. However, should the examiner determine that the payment of a fee is necessary to advance prosecution of the application, the Office is authorized to charge our deposit account no. 50-0269.

Respectfully Submitted,

STRATTON BALLEW PLLC


Michelle Bos, PTO Reg. No. 45,496
213 S. 12th Avenue
Yakima, WA 98902
Telephone (509) 453-1319



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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No: EE797337676US

Date of Deposit: June 8, 2004

I hereby certify that the following attached papers and/or fees:

1. Amendment and Response to Office Action
2. Return Receipt Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michelle Bos


Signature